

1-1 By: Williams S.B. No. 146  
 1-2 (In the Senate - Filed December 12, 2012; January 29, 2013,  
 1-3 read first time and referred to Committee on Higher Education;  
 1-4 March 21, 2013, reported favorably by the following vote: Yeas 7,  
 1-5 Nays 0; March 21, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to access by a public institution of higher education to  
 1-18 the criminal history record information of certain persons seeking  
 1-19 to reside in on-campus housing.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. The heading to Section 411.094, Government Code,  
 1-22 is amended to read as follows:

1-23 Sec. 411.094. ACCESS TO CRIMINAL HISTORY RECORD  
 1-24 INFORMATION: HIGHER EDUCATION ENTITIES; SECURITY-SENSITIVE  
 1-25 POSITION.

1-26 SECTION 2. Subchapter F, Chapter 411, Government Code, is  
 1-27 amended by adding Section 411.0945 to read as follows:

1-28 Sec. 411.0945. ACCESS TO CRIMINAL HISTORY RECORD  
 1-29 INFORMATION: PUBLIC INSTITUTION OF HIGHER EDUCATION; ON-CAMPUS  
 1-30 STUDENT HOUSING. (a) In this section, "institution of higher  
 1-31 education" has the meaning assigned by Section 61.003, Education  
 1-32 Code.

1-33 (b) An institution of higher education is entitled to obtain  
 1-34 from the department criminal history record information maintained  
 1-35 by the department that relates to a student, or to an applicant for  
 1-36 admission as a student, who applies to reside in on-campus housing  
 1-37 at the institution.

1-38 (c) Criminal history record information obtained by an  
 1-39 institution of higher education under Subsection (b) may be used by  
 1-40 the chief of police of the institution or by the institution's  
 1-41 housing office only for the purpose of evaluating current students  
 1-42 or applicants for enrollment who apply to reside in on-campus  
 1-43 housing at the institution.

1-44 (d) Criminal history record information received by an  
 1-45 institution of higher education under Subsection (b) may not be  
 1-46 released or disclosed to any person except on court order or with  
 1-47 the consent of the person who is the subject of the criminal history  
 1-48 record information.

1-49 (e) As soon as practicable after the beginning of the  
 1-50 academic period for which the person's housing application was  
 1-51 submitted, all criminal history record information obtained about a  
 1-52 person under Subsection (b) shall be destroyed by the chief of  
 1-53 police of the institution of higher education or by the  
 1-54 institution's housing office, as applicable.

1-55 SECTION 3. The change in law made by this Act applies only  
 1-56 to a person who applies to reside in on-campus housing at a public  
 1-57 institution of higher education for an academic period that begins  
 1-58 on or after the effective date of this Act.

1-59 SECTION 4. This Act takes effect immediately if it receives  
 1-60 a vote of two-thirds of all the members elected to each house, as  
 1-61 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this  
2-2 Act takes effect September 1, 2013.

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